

# City Council Agenda

Council President  
Clinton J. Olivier

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Lee Brand

Sal Quintero  
Larry Westerlund  
Blong Xiong – Acting President

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## April 19, 2012

### 1:00 P.M. ROLL CALL

Invocation Reverend Melkonian of the First Armenian Presbyterian Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "**MONEY SMART WEEK**" - Councilmember Quintero - **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [April 5, 2012](#)

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. **ITEM REMOVED FROM THE AGENDA**

B. [Approve the appointments of Grace Gomes to the Fresno-Madera Area Agency on Aging and Timothy Lowe to the Fresno Housing Authority as a resident member – Mayor's Office](#)

**Action Taken:** Approved

C. [Agreement for professional consulting civil engineering services with Blair, Church and Flynn of Clovis, CA to provide an aeronautical survey in support of the runway recertification processes associated with the Runway Safety Area Compliance Program at Fresno Yosemite International Airport in the amount of \\$150,000 – Airports Department](#)

**Action Taken:** Approved

D. [Documents pertaining to minor alterations to various leased concession spaces at Fresno Yosemite International Airport by Fresno, AAI, INC., dba Anton Airfoods \(Anton\) – Airports Department](#)

1. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act Guidelines for minor alterations to various leased concession spaces at Fresno Yosemite International Airport by Fresno, AAI, INC., dba Anton Airfoods (Anton)

**Action Taken:** Adopted

2. Authorize Director of Aviation to execute the second amendment to concession agreement between Fresno AAI, Inc. dba Anton Airfoods (Anton) and the City of Fresno for the conversion of Rapidos to Starbucks and improvements to other leasehold areas at Fresno Yosemite International Airport, and extend the lease term

**Action Taken:** Authorized

1. **CONSENT CALENDAR CONTINUED**

- E. Approve professional services agreement with Provost & Pritchard Engineering Group Inc., for \$204,611 for the design of the Nielsen groundwater recharge basin near the intersection of Brawley and Nielsen Avenues and authorize the Director of Public Utilities to sign the agreement on behalf of the City *(Property located in District 3)* – Department of Public Utilities  
**Action Taken:** Approved
- F. Approve amendment to agreement with Parsons Water and Infrastructure, Inc., a California Corporation, for design services of the tertiary treatment and disinfection facility design at the Fresno/Clovis Regional Wastewater Reclamation Facility for a net increase of \$309,017 and an additional 60 days and authorize the Director of Public Utilities to sign the agreement on behalf of the City – *(Property located in District 3)* – Department of Public Utilities  
**Action Taken:** Approved
- G. Documents pertaining to of a portion of the southwest side of N. Golden State Boulevard approximately 3000 feet northwest of W. Ashlan Avenue *(Property located in District 1)* – Public Works Department
1. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Section 15301(b) and (c)/Class 1, Section 15315/Class 15, and Section 15332/Class 32 of the CEQA Guidelines, Environmental Assessment No. S-11-002  
**Action Taken:** Adopted
  2. **RESOLUTION** - Ordering the summary vacation of a portion of the southwest side of N. Golden State Boulevard approximately 3000 feet northwest of W. Ashlan Avenue  
**Action Taken:** Resolution No. 2012-66 adopted
- H. Documents pertaining to the installation of traffic signals, curb ramps and transition pavement at the southwest corner of the intersection of McKinley and Marks Avenues *(Property located in District 3)* – Public Works Department
1. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301(c)(f)/Class 1 (existing facilities), and 15332/Class 32 (in-fill development) of the CEQA Guidelines, for the installation of traffic signals, curb ramps and transition pavement at the northwest corner of the intersection of McKinley and Marks Avenues  
**Action Taken:** Adopted
  2. Approve acquisition of one public street easement from a portion of one parcel of property owned by Gregorio, Ray, Olga and Frances Gonzalez, in the amount of \$2,600, for the installation of traffic signals, curb ramps and transition pavement at the southwest corner of the intersection of McKinley and Marks Avenues  
**Action Taken:** Approved
- I. Adopt a Finding of Class 1 and 3 Categorical Exemptions, pursuant to Section 15301 (existing facilities) and 15303 (new construction or conversion of small structures) of the California Environmental Quality Act Guidelines and approve a five year (with three additional optional renewal periods) lease agreement with Loperena antenna sites in the amount of \$1,350 a month plus an annual road maintenance fee equal to one month's rent for the purpose of providing space for, operating, and maintaining a data radio antenna, receiver, and transmitter atop Owens Mountain, 19720 Auberry Road, Clovis, California – Department of Public Utilities  
**Action Taken:** Adopted

**CONTESTED CONSENT CALENDAR**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**1:30 P.M.**      **HEARING** to consider the formation of a special tax district (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park (**Property located in District 1**) – Public Works Department

**Action Taken:**    **Held**

a.      **RESOLUTION** – Of formation establishing a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park, determining the validity of prior proceedings, and taking related actions

**Action Taken:**    **Resolution No. 2012-67 adopted**

b.      **RESOLUTION** – Calling special mailed ballot election and setting June 25, 2012 as the election day

**Action Taken:**    **Resolution No. 2012-68 adopted, as amended**

**1:45 P.M.**      Consideration of a resolution upholding the appeal and denying the Planning Commission's action approving Conditional Use Permit Application No. C-11-028, southwest corner of California Avenue and Martin Luther King, Jr. Boulevard – Development and Resource Management Dept.

**Action Taken:**    **Considered**

a.      **RESOLUTION** - To uphold the appeal and deny the Planning Commission's action approving Conditional Use Permit Application No. C-11-028

**Action Taken:**    **Resolution No. 2012-69 adopted**

**2:00 P.M.**      **CLOSED SESSION**

**A.**      **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1.    **Case Name:**    Concerned Citizens of West Fresno v. City of Fresno and Darling International Inc.

**Action Taken:**    **Held**

**B**      **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

**Significant Exposure to Litigation:**

1.    **Case Name:**    Pacific Gas and Electric Company v. City of Fresno

**Action Taken:**    **Held**

**2:00 P.M.**      **SPECIAL MEETING NOTICE**

**C.**      **CONFERENCE WITH LEGAL COUNSEL – DCEIDING WHETHER TO INITIATE LITIGATION** – Government Code Section 54956.9, Subdivision (c)

**Significant Exposure to Litigation:**

1.    City of Fresno and the Successor Agency to the Redevelopment Agency of the City of Fresno v. County of Fresno, Fresno County Library; and interested party Fresno Metropolitan Flood Control District

**Action Taken:**    **Held**

2:30 P.M.

**CITY COUNCIL**

A. Consider Charter Review Committee recommendations, Items 1 - 55 – Council President Olivier  
*Council will take action on items 1-11 and are listed as follows:*

1. Whether the creation of an Emergency Reserve Fund is by setting aside and maintaining a percentage of General Fund appropriations
2. Whether to amend Charter Section 1233 to reduce the 20% limit on General Obligation Bonds to 10% of City assets and to add a provision that places a limit of 10% on the net debt service for General Fund appropriations
3. Whether to require a super majority vote on all debt financing decisions not contained in the adoption of the annual budget by the Council
4. Whether to establish a Charter Section that would trigger due diligence and oversight policies, using a private sector banking model; require the City Attorney and City Manager to provide written reports to the Council and require a super majority vote to approve, for any request for financial assistance exceeding \$1,000,000
5. Whether the City should require a Fiscal Impact Report that includes a detailed financial analysis of wage and benefit costs and an actuarial report, if deemed necessary by the City Manager, for all Memorandum of Understanding labor agreements
6. Whether the Council should affirm, by majority vote, the hiring of the City Manager and his/her compensation contract, assuming reasonable affirmation not be withheld
7. Whether the Charter clearly identifies the jurisdictional authority to organize and structure administrative departments lies with the Mayor, subject to Council confirmation
8. Whether the Charter should require annual budgets be in a two (2) year format and also include extended projections
9. Whether the Mayor shall release the proposed budget the Council at least sixty (60) rather than thirty (30) days prior to the beginning of each fiscal year (§ 1203)
10. Whether the Mayor's veto powers should extend to all legislative land use decisions (§ 605) (c) (2)
11. Whether the Mayor should have veto authority over the decisions of the Civil Service Board (§ 1002).)

**Action Taken:** Public Testimony taken/11 items continued to 4/26/2012

**\*\*\*Council may also discuss Items 12-55 as they relate to Items 1-11, but action is limited to Items 1-11. Each meeting hereafter, Council will consider 11 items at a time, in numerical order until all items have been considered. (Please note: some portions of the Charter Review Committee recommendations are subject to Mayor's veto.)**

B. \* **RESOLUTION** - Approving the "High Speed Rail Business Impact Initiative" and establishing the "High Speed Rail Relocation Division" of the City of Fresno and establish a City policy for streamlined timelines and guidelines for entitlement and land use processing for properties affected by high speed rail – Councilmember Westerlund

**Action Taken:** Laid over two weeks

C. **RESOLUTION** - Supporting the restoration of State funding for the Fresno Veterans Home – Council President Olivier

**Action Taken:** Resolution No. 2012-70 adopted

3:00 P.M.

**GENERAL ADMINISTRATION**

A. Award a contract in the amount of \$ 419,245.00 for professional information services for the Department of Public Utilities to JSA Advertising - Department of Public Utilities

**Action Taken:** Continued two weeks

3:15 P.M.

**JOINT MEETING WITH THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION**

- A. **RESOLUTION** – Filling the vacant position on the City of Fresno Cultural Arts Properties Board of Directors with the Chair of the Successor Agency to the Redevelopment Agency of the City of Fresno **(City Action)**  
**Action Taken:** Rescheduled for April 26, 2012 at 9:30 A.M.
- B. Consideration of documents pertaining to a proposed 69-unit mixed-used residential project located at Fulton and Calaveras Streets: (City Manager's Office)
1. Approve purchase and sale agreement between City of Fresno Cultural Arts Properties Corporation ("COFCAP") and City of Fresno for the sale of 2.12 acres of property to the City **(City and COFCAP action)**
  2. Approve Disposition and Development Agreement between the City of Fresno and FFDA Properties, LLC, for the development of a 69-unit mixed-use residential project located at Fulton and Calaveras Streets **(City action)**
  3. Approve the First Amendment to Master Lease between COFCAP and the City **(City and COFCAP action)**  
**Action Taken:** Rescheduled for April 26, 2012 at 9:30 A.M.

**ADJOURN**

5:00 P.M.

Review and select a preferred alternative for the preparation of the 2035 Fresno General Plan Update – Development and Resource Management Department  
**Action Taken:** Alternative A, as amended, selected

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**SCHEDULED COMMUNICATION –**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Apr.	26 –	9:30 A.M.	<b>JOINT MEETING WITH COFCAP</b> to a proposed 69-unit mixed-used residential project located at Fulton and Calaveras Streets:
Apr.	26 –	10:15 A.M.	<b>HEARING</b> re: Plan Amendment No. A-11-14 and Rezone Application No. R-11-020, filed by Derrel's Mini Storage
May	3 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter <b>(Reception immediately following – 2<sup>nd</sup> floor foyer)</b>
May	10-		<b>NO MEETING – RECESS</b>
May	17-	10:00 A.M.	<b>HEARING</b> to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources---Development and Resource Management Department
June	28 -	10:00 A.M.	<b>HEARING</b> to provide for the future annexation of territory in Community Facilities District No. 16

April 19, 2012

**\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

**Page 6**

**AND MAY BE AMENDED AT ANYTIME**